Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County  ☐ City  ☒ Town  ☐ Village  
(Select one:)

of Red Hook

Local Law No.  3  of the year 2013

A local law to Prohibit Heavy Industry

(Insert Title)

________________________________________________________

________________________________________________________

________________________________________________________

Be it enacted by the Town Board

(Insert Title)

(Insert Title)

________________________________________________________  of the

Name of Legislative Body

☐ County  ☐ City  ☒ Town  ☐ Village  
(Select one:)

of Red Hook

as follows:

A copy of the local law is on file with the Town Clerk and attached hereto and incorporated as if fully set forth in this place.

________________________________________________________

________________________________________________________

________________________________________________________

(If additional space is needed, attach pages the same size as this sheet, and number each.)
1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2013 of the (County)(City)(Town)(Village) of Red Hook on May 14, 2013, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.)
I hereby certify that the local law annexed hereto, designated as local law No. of 2013 of the (County)(City)(Town)(Village) of ____________________________ on ___________ 2013, and was (approved)(not approved) (Elective Chief Executive Officer*)
(repassed after disapproval) by the ____________________________ on _______ 2013, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. ___________ of 2013 of the (County)(City)(Town)(Village) of ____________________________ on ___________ 2013, and was (approved)(not approved) (Elective Chief Executive Officer*)
(repassed after disapproval) by the ____________________________ on _______ 2013. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ___________ 2013, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. ___________ of 2013 of the (County)(City)(Town)(Village) of ____________________________ on ___________ 2013, and was (approved)(not approved) (Elective Chief Executive Officer*)
(repassed after disapproval) by the ____________________________ on _______ 2013. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ___________ 2013, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.
5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._______ of 20___ of the City of __________ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on ____________ 20___, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._______ of 20___ of the County of __________ State of New York, having been submitted to the electors at the General Election of November __________ 20___, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

______________________________
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Date) 5/15/13

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF DUTCHESS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

______________________________
Signature
Rapport Meyers LLP, Attorneys for the Town

Title

County
City of Red Hook
Town
Village

(Date) May 16, 2013
A LOCAL LAW TO PROHIBIT HEAVY INDUSTRY

BE IT ENACTED by the Town Board of the Town of Red Hook as follows:

Section 1: Legislative intent.

This local law amends Chapter 143 of the Town Code to expressly define heavy industry and to include natural gas and/or oil exploration, extraction and support activities as heavy industry. Heavy industry is not permitted in the Town as it is inconsistent with the Town’s comprehensive plan. This law provides additional clarification of activities which constitute heavy industry.

§ 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part of provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

§ 3. Section 140-4(C) of the Code is hereby amended by deleting the definition of extractive operation and replacing it with the following new definition:

EXTRACTIVE OPERATIONS—The use of land for the purpose of extracting and selling stone, sand, gravel, topsoil or other minerals, and not including natural gas and oil exploration and extraction. Extractive operations are exclusive of the process of grading a lot preparatory to the construction of a building for which a building permit has been issued or installing roadways and/or other improvements described on a subdivision plat or site plan approved by the Planning Board.

§ 4. Section 140-4(C) of the Code is hereby amended by the addition of the following new definitions:
HEAVY INDUSTRY – A use of land that exceeds the standards for light manufacturing. Without limiting the foregoing, natural gas and oil exploration, natural gas and oil extraction and natural gas and oil support activities constitute heavy industry.

NATURAL GAS AND OIL EXPLORATION – The use of land for geological or geophysical activities related to the search for natural gas, oil or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, oil or other subsurface hydrocarbon deposits.

NATURAL GAS AND OIL EXTRACTION – the use of land for the purpose of digging or drilling of a well for the purposes of exploring for, developing, or producing natural gas, oil or other subsurface hydrocarbons. Natural gas and oil extraction includes a storage or construction staging yard associated with an oil or gas extraction operation, and gas pipelines, water lines and other gathering systems and components including but not limited to drips stations, vent stations, chemical injection stations and valve boxes associated with an oil or gas extraction operation.

NATURAL GAS AND OIL SUPPORT ACTIVITIES – the construction, use or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or oil storage facility, or a natural gas or oil gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or oil.

NATURAL GAS AND OIL PRODUCTION BYPRODUCTS – any refuse, sludge, or other waste materials, whether or not recycled or reused or intended to be recycled or reused, including solid, liquid, semi-solid, or contained gaseous material that results from, is associated with or produced as a byproduct of the exploration, drilling or extraction of natural gas and petroleum and other subsurface hydrocarbons, including without limitation production brine, produced waters, flowback, flowback fluids or hydraulic fracturing fluids.

§ 5. Section 143-11 is hereby amended by the addition of subsections “G” and “H” to read as follows:

G. Without limiting Section 143-11C, heavy industry is expressly prohibited in the Town.

H. Without limiting Section 143-11C, use of land for the disposal of natural gas and oil production byproducts is expressly prohibited in the Town.
§ 6. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.
Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village

(Select one)

of Red Hook

Local Law No. 1 of the year 2013

A local law to Prohibit Brine on Town Roads

(Insert Title)

Be it enacted by the Town Board

(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village

(Select one)

of Red Hook

as follows:

A copy of the local law is on file with the Town Clerk and attached hereto and incorporated as if fully set forth in this place.

(If additional space is needed, attach pages the same size as this sheet, and number each.)
(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. ___________ of 2013 of the (County)(City)(Town)(Village) of Red Hook, as Town Board (Name of Legislative Body) was duly passed by the provisions of law.

May 14, 2013

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)
I hereby certify that the local law annexed hereto, designated as local law No. ___________ of 20____ of the (County)(City)(Town)(Village) of ____________________________ (Name of Legislative Body) on __________ 20____, and was (approved)(not approved) (Elective Chief Executive Officer*) (repassed after disapproval) by the ____________________________ on __________ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. ___________ of 20____ of the (County)(City)(Town)(Village) of ____________________________ (Name of Legislative Body) on __________ 20____, and was (approved)(not approved) (Elective Chief Executive Officer*) (repassed after disapproval) by the ____________________________ on __________ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ____________________________ on 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. ___________ of 20____ of the (County)(City)(Town)(Village) of ____________________________ (Name of Legislative Body) on __________ 20____, and was (approved)(not approved) (Elective Chief Executive Officer*) (repassed after disapproval) by the ____________________________ on __________ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ____________________________ on 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.
5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _________________ of 20___ of the City of _______________ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____________ 20___, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _________________ of 20___ of the County of _______________ State of New York, having been submitted to the electors at the General Election of November _____________ 20___, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Date: ____________

(Signature)

(Certificate to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF DUTCHESS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Rapport Meyers LLP, Attorneys for the Town
Title

County
City of Red Hook
Town
Village

Date: _____ May 16, 2013 _____
TOWN OF RED HOOK
LOCAL LAW NO. 1 OF 2013

A LOCAL LAW TO PROHIBIT BRINE ON TOWN ROADS

BE IT ENACTED by the Town Board of the Town of Red Hook as follows:

Section 1: Legislative intent.

This local law prohibits the application of oil and gas mining and drilling byproduct, including brine, on town roads and town property.

§ 2. A new Chapter, Chapter 49, to be known as “Brine Prohibition” is added to the Code of the Town of Red Hook to read as follows.

§ 49-1

Title. This Local Law shall be known by and may be cited as the “Brine Prohibition Act.”

§ 49-2

Definitions. As used in this Chapter, the following terms shall have the following meanings:

APPLICATION – The physical act of placing natural gas and oil production byproducts on one or more Town roads or one or more pieces of Town property. Each time a person stops the placement of natural gas and oil production byproducts for any reason, including but not limited to stopping a vehicle used in the placement or re-loading or replacing of any material or equipment and then resuming placement shall be deemed a separate application. Each application shall be deemed a separate and distinct violation.

NATURAL GAS AND OIL PRODUCTION BYPRODUCTS – Any refuse, sludge, or other waste materials, whether or not recycled or reused or intended to be recycled or reused, including solid, liquid, semi-solid, or contained gaseous material that results from, is associated with or produced as a byproduct of the exploration, drilling or
extraction of natural gas and oil and other subsurface hydrocarbons, including without limitation production brine, produced waters, flowback, flowback fluids or hydraulic fracturing fluids.

ROAD — Any public road, street, or bridge owned, maintained or controlled by the Town of Red Hook.

§49-3

Prohibition. The application of natural gas and oil production wastes on any Town road or property, whether as a de-icing substance or for any other purpose, is prohibited.

§49-4

Duty of Town Employees. The Town Supervisor and Highway Superintendent are authorized to develop policies to ensure Town employees are familiar with this Chapter and take such steps as are required to ensure that materials supplied to the Town or used on Town roads or properties comply with this Law. This shall not excuse non-compliance by a contractor or vendor of the Town.

§49-5

Penalties for Violations.

1. Violation of any provision of this chapter is an unclassified misdemeanor and punishable by a maximum fine of $1000.00 and/or imprisonment of up to one year for each separate violation.

2. Additionally, the Town may seek civil penalties in the amount of $15,000.00 per violation and/or a restraining order or injunction from a court of competent jurisdiction, or seek any other available remedy.

3. Each application of brine shall constitute a separate and distinct violation.

§ 3. Severability

The invalidity of any word, section, clause, paragraph, sentence, part of provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

§ 4. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.
Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County  ☐ City  ☑ Town  ☐ Village

(Select one.)

of Red Hook

Local Law No.  2                  of the year 2013

A local law Amending Chapter 84 of the Town Code to Prohibit the Disposal of Natural Gas or Oil

(Insert Title)

Drilling Waste Products in the Town of Red Hook


Be it enacted by the Town Board

(Name of Legislative Body)

☐ County  ☐ City  ☑ Town  ☐ Village

(Select one.)

of Red Hook

as follows:

A copy of the local law is on file with the Town Clerk and attached hereto and incorporated as if fully set forth in this place.

(If additional space is needed, attach pages the same size as this sheet, and number each.)
(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2013 of the (County)(City)(Town)(Village) of Red Hook Town Board (Name of Legislative Body) was duly passed by the provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)
I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2013 of the (County)(City)(Town)(Village) of ___________________________ was duly passed by the (Name of Legislative Body) (repassage after disapproval) by the ___________________________ and was deemed duly adopted (Elective Chief Executive Officer*) on 2013, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2013 of the (County)(City)(Town)(Village) of ___________________________ was duly passed by the (Name of Legislative Body) (repassage after disapproval) by the ___________________________ on 2013. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ______________________ 2013, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2013 of the (County)(City)(Town)(Village) of ___________________________ was duly passed by the (Name of Legislative Body) (repassage after disapproval) by the ___________________________ on 2013. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____________________ 2013, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.
5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. ___________________________ of 20________ of the City of ___________________________ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on ______________ 20____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. ___________________________ of 20________ of the County of ___________________________State of New York, having been submitted to the electors at the General Election of November ______________ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: ___________________________

(Signature)

(Rapport Meyers LLP, Attorneys for the Town)

Signature

Title

County

City of Red Hook

Town

Village

Date: May 16, 2013
TOWN OF RED HOOK

LOCAL LAW NO. 2 OF 2013

A LOCAL LAW AMENDING CHAPTER 84 OF THE TOWN CODE TO PROHIBIT THE DISPOSAL OF NATURAL GAS OR OIL DRILLING WASTE PRODUCTS IN THE TOWN OF RED HOOK

BE IT ENACTED by the Town Board of the Town of Red Hook as follows:

Section 1: Legislative intent.

This local law amends Chapter 84 to prohibit natural gas or oil drilling waste disposal facilities within the Town.

§ 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part of provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

§ 3. Section 84-3 of the Code is hereby amended by deleting the definition of Refuse and replacing it with the following new definition:

REFUSE — all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, offal, construction and demolition debris and solid commercial and industrial wastes, not including natural gas and oil production byproducts.

§ 4. Section 84-3 of the Code is hereby amended by inserting the following new definition:

NATURAL GAS AND OIL PRODUCTION BYPRODUCTS — any refuse, sludge, or other waste materials, whether or not recycled or reused or intended to be recycled or reused, including solid, liquid, semi-solid, or contained gaseous material that results from, is associated with or produced as a byproduct of the exploration, drilling or
extraction of natural gas or oil and other subsurface hydrocarbons, including without limitation production brine, produced waters, flowback, flowback fluids or hydraulic fracturing fluids.

§ 5. A new Section 84-4.1 is hereby added to the Code to read as follows:

No land in the Town of Red Hook shall be used for the disposal of natural gas and oil production byproducts.

§ 6. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.